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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JOHN BURNELL, JACK POLLOCK,  
and all others similarly situated,

Plaintiffs,

v.

SWIFT TRANSPORTATION CO. OF  
ARIZONA, LLC,

Defendant.

**CASE NO. 5:10-CV-00809-VAP (OPx)**  
(Assigned to the Hon. Virginia A.  
Phillips)

**PLAINTIFFS' NOTICE OF APPEAL  
TO THE UNITED STATES COURT  
OF APPEALS FOR THE NINTH  
CIRCUIT**

Complaint Filed: March 22, 2010  
Trial Date: None Set  
Case Stayed: January 20, 2011 –  
August 8, 2012

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1 NOTICE IS HEREBY GIVEN that Plaintiffs Jack Burnell, Jack Pollock, and  
 2 Gilbert Saucillo, on behalf of themselves and all others similarly situated in the above-  
 3 named case, hereby appeal to the United States Court of Appeals for the Ninth Circuit  
 4 from the following Orders issued by the Honorable Virginia A. Phillips, District Court  
 5 for the Central District of California: (1) the Order granting Plaintiffs' Motion for Entry  
 6 of Judgment Pursuant to Federal Rule of Civil Procedure 54(b) [Docket No. 103] entered  
 7 on August 22, 2013; (2) the Order Granting Joint Stipulation Re: Final Judgment  
 8 Pursuant to Rule 54 for Any Potential Meal and Rest Break Claims Asserted by Gilbert  
 9 Saucillo [Docket No. 106] entered on August 26, 2013; and (3) the Order granting  
 10 Defendant's Motion for Judgment on the Pleadings [Docket No. 82] which serve as the  
 11 basis for entry of final judgment in Dockets 103 and 106. By virtue of certification and  
 12 order entering Judgment pursuant to Rule 54(b), appeal is proper as the claims were  
 13 deemed severable. See, *James v. Price Stern Sloan, Inc.*, 1064, 1067-68 (9th Cir 2002).

14 Respectfully submitted,

15  
 16 DATED: September 17, 2013

**MARLIN & SALTZMAN, LLP**  
**LAW OFFICES OF SHAUN SETAREH**

17  
 18 By: /S/ Christina A. Humphrey  
 19 Stanley D. Saltzman, Esq.  
 20 Marcus J. Bradley, Esq.  
 21 Christina A. Humphrey, Esq.  
 22 Leslie H. Joyner, Esq.  
 23 Attorneys for Plaintiffs  
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**REPRESENTATION STATEMENT**

The undersigned represents Plaintiffs-Appellants JOHN BURNELL, JACK POLLOCK, and GILBERT SAUCILLO, and no other party. Pursuant to Rule 12(b) of the Federal Rules of Appellate Procedure and Circuit Rule 3-2(b), Plaintiffs-Appellants submit this Representation Statement. The following list identifies all parties to the action, and it identifies their respective counsel by name, firm, address, telephone number, and email where appropriate.

<b>PARTIES</b>	<b>COUNSEL OF RECORD</b>
Plaintiffs-Appellants John Burnell, Jack Pollock, Gilbert Saucillo	<b>MARLIN &amp; SALTZMAN, LLP</b> Stanley D. Saltzman, Esq. (SBN 90058) Marcus J. Bradley, Esq. (SBN 174156) Christina A. Humphrey (SBN 226326) Leslie H. Joyner, Esq. (SBN 262705) 29229 Canwood Street, Suite 208 Agoura Hills, California 91301 Telephone: (818) 991-8080 Facsimile: (818) 991-8081 ssaltzman@marlinsaltzman.com mbradley@marlinsaltzman.com chumphrey@marlinsaltzman.com ljoyner@marlinsaltzman.com
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Defendant-Respondent Swift  
Transportation Co. of Arizona, LLC

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DATED: September 17, 2013

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Marcus J. Bradley, Esq.  
Christina A. Humphrey, Esq.  
Leslie H. Joyner, Esq.  
Attorneys for Plaintiffs

1 STATE OF CALIFORNIA                     )  
 2 COUNTY OF LOS ANGELES            ) ss.

3 I am employed in the County of Los Angeles, State of California. I am over  
 4 the age of 18 and not a party to the within action. My business address is 29229  
 5 Canwood Street, Suite 208, Agoura Hills, California 91301-1555.

6 On September 17, 2013, I served the foregoing document described as  
 7 **PLAINTIFFS' NOTICE OF APPEAL TO THE UNITED STATES COURT OF**  
 8 **APPEALS FOR THE NINTH CIRCUIT** on all interested parties in said action as  
 follows:

9 **SEE ATTACHED SERVICE LIST**

10 [X] **(VIA US MAIL)** I caused such envelope(s) to be deposited in the mail at  
 11 Agoura Hills, California with postage thereon fully prepaid.

12 I am "readily familiar" with the firm's practice of collection and processing  
 13 correspondence for mailing. It is deposited with the U.S. Postal Service on  
 14 that same day in the ordinary course of business. I am aware that on motion of  
 15 party served, service is presumed invalid if postal cancellation date or postage  
 16 meter date is more than one day after date of deposit for mailing in affidavit.

17 [ ] **(VIA FEDERAL EXPRESS)** I caused to have served such document(s) by  
 18 depositing them in the drop box at Agoura Hills, California, for priority  
 overnight next day delivery.

19 [ ] **(VIA FACSIMILE)** I caused such document to be faxed to the persons  
 20 identified with fax numbers on the attached Mailing List.

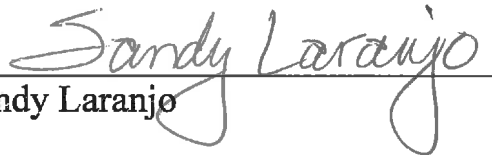
21 [ ] **(VIA PERSONAL SERVICE)** I delivered such envelope(s) by hand to the  
 22 offices of the addressee.

23 [ ] **(VIA E-MAIL)** I caused to have such documents sent by electronic service  
 24 [Fed. Rule Civ. Proc. Rule 5(b)(2)(a)] by electronically mailing a true and  
 25 correct copy through Marlin & Saltzman's electronic mail system to the e-mail  
 26 address(s) set forth below, or as stated on the attached service list per  
 27 agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

28 [ ] **(STATE)** I declare under penalty of perjury under the laws of the State of  
 California that the above is true and correct.

1  
2 [X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar  
3 of this court at whose direction the service was made.

4 Executed on September 7, 2013, at Agoura Hills, California.

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***Burnell v. Swift Transportation***  
**USDC Case No. CV10-00809-VAP(OPx)**

**Service List**

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<p>Shaun Setareh, Esq.  LAW OFFICES OF SHAUN  SETAREH  Penthouse Suite 1  99454 Wilshire Boulevard  Beverly Hills, CA 90212  Telephone (310) 888-7771  Facsimile: (310) 888-0109  shaun@setarehlaw.com</p>	<p>Co-Counsel for Plaintiff</p>